

Message Text

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ACTION EB-07

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E.O. 11652: N/A

TAGS: EAIR, BF

SUBJ: FOLLOW-UP TO PRECLEARANCE AGREEMENT

1. REGIONAL COMMISSIONER OF CUSTOMS BAZEMORE, ACCOMPANIED BY OTHER CUSTOMS OFFICIALS FROM THE U.S. AND FROM NASSAU PRECLEARANCE UNIT, MET TODAY WITH AMBASSADOR AND HEAD OF CONSULAR SECTION. PURPOSE OF MEETING WAS TO DISCUSS NECESSITY FOR FOLLOWING UP ON ALLEGED AGREEMENT BY GCOB AT THE TIME PRECLEARANCE AGREEMENT WAS NEGOTIATED FOR GCOB TO ENACT NECESSARY ENABLING LEGISLATION TO AUTHORIZE U.S. PRECLEARANCE PERSONNEL TO OPERATE AS EFFECTIVELY AS THEY WOULD AT A U.S. PORT OF ENTRY. SEARCHES, SEIZURES AND APPLICATION OF PENALTIES CONSISTENT WITH PRACTICES CARRIED OUT IN U.S. WERE SPECIFICALLY DISCUSSED. ACCORDING TO MR. BAZEMORE AND HIS ASSOCIATES, MR. ADDERLEY AGREED THAT THE GOVERNMENT WOULD PASS SUCH LEGISLATION AT THE TIME THE PRECLEARANCE AGREEMENT WAS SIGNED. MR. BAZEMORE STATED THAT PURSUANT TO A REQUEST FROM THE GCOB SPECIFIC LANGUAGE WAS DRAFTED AND PRESENTED TO THE GOVERNMENT IN DECEMBER 1973. NO ACTION HAS BEEN TAKEN.

2. IN REVIEWING THE ORIGINAL DRAFT LEGISLATION EARLIER PRESENTED TO THE BAHAMIAN GOVERNMENT AS WELL AS A SO-CALLED "ALTERNATIVE NO. 2" DRAFT DEVELOPED BY CUSTOMS BUT NOT HERETOFORE SUPPLIED TO GCOB (DEPARTMENT HAS COPIES OF BOTH DRAFTS), SEVERAL QUESTIONS AROSE CONCERNING THE PURPOSE, ADEQUACY, AND INTENT OF VARIOUS SECTIONS OF BOTH DRAFTS, WITH THE CON-

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CLUSION THAT BOTH WERE DEFICIENT IN IMPORTANT RESPECTS. THE

RESULT OF THE MEETING WAS AGREEMENT BY THE CUSTOMS OFFICIALS TO REDRAFT THE LEGISLATION, CORRECTING THE AFOREMENTIONED DEFICIENCIES. UPON COMPLETION, IT WILL BE RESUBMITTED TO THE AMBASSADOR.

3. ASSUMING NO FURTHER LANGUAGE PROBLEMS, AMBASSADOR HAS AGREED TO REAPPROACH ADDERLEY: A) TO REMIND HIM OF THE ORIGINAL GCOB COMMITMENT TO ENACT APPROPRIATE LEGISLATION, AND B) TO SUBMIT TO HIM REVISED DRAFT WITH APPROPRIATE EXPLANATION AS TO NECESSITY FOR REVISIONS. BASED UPON ADDERLEY'S RESPONSE, AMBASSADOR WILL OFFER TO MAKE CUSTOMS LAWYER AVAILABLE TO WORK WITH GCOB LEGAL AUTHORITIES WITH A VIEW TO OBTAINING AGREED FINAL LEGISLATION FOR ENACTMENT BY GCOB.

4. ABOVE IS SET FORTH IN ORDER TO:

A) NOTE THAT EMBASSY HAS NO REPEAT NO RECORD THAT U.S. HAS IN FACT PREVIOUSLY SUBMITTED DRAFT LEGISLATION TO GCOB OR EVEN THAT THERE WAS AGREEMENT AT TIME PRECLEARANCE AGREEMENT WAS SIGNED THAT GCOB WOULD ENACT LEGISLATION REQUIRED TO FACILITATE WORK OF PRECLEARANCE UNIT;

B) VERIFY DEPARTMENT'S UNDERSTANDING AS TO COMMITMENT BY GCOB AT THE TIME PRECLEARANCE AGREEMENT WAS SIGNED TO ENACT ENABLING LEGISLATION;

C) INDICATE THAT THE ALLEGED PREVIOUSLY PROVIDED U.S. DRAFT LEGISLATION HAS OBVIOUS SERIOUS DEFICIENCIES ACKNOWLEDGED BY CUSTOMS;

D) ASCERTAIN WHETHER DEPARTMENT HAS HAD L REVIEW PREVIOUSLY PROPOSED CUSTOMS DRAFTED LEGISLATION;

E) SUGGEST THAT DEPARTMENT MAY WISH TO CONTACT CUSTOMS TO REVIEW FACTS BEARING ON (A) ABOVE AND NEW DRAFT LEGISLATION TO BE PREPARED AS PER (C) ABOVE;
AND FINALLY

F) INFORM DEPARTMENT OF PROPOSED COURSE OF ACTION TO BE FOLLOWED BY EMBASSY SUBJECT TO ANY CONTRARY GUIDANCE FROM DEPARTMENT.

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